

● INJURED MIGRANT WORKERS LAW

STATUTORY CITATION: 11 Laws P.R. Ann. §§ 60 – 65

GENERAL SUMMARY: Chapter 2 of the workers' compensation statutes (1) authorizes the Puerto Rico Industrial Commission to intervene on behalf of workers injured in the United States, and (2) provides for the payment of medical and hospital benefits for certain job-injured migrant workers returning to Puerto Rico from employment abroad. These provisions apply implicitly to agricultural workers, to the same extent as workers in any other industry or occupation.

SPECIFIC TERMS AND CONDITIONS

ASSISTANCE WITH U.S. CLAIMS — When a Puerto Rico migrant worker is injured or killed in an occupational accident in any state or territory of the United States and the worker or the worker's surviving dependents are unable to get back to the location where the accident occurred to process a workers' compensation claim, the Industrial Commission of Puerto Rico is authorized to intervene on the claimant's behalf. Under this authority, the Commission may perform such functions as obtaining additional medical evidence at the request of the workers' compensation administering agency having jurisdiction over the case, or taking steps at the request of the injured worker or the worker's beneficiaries to expedite processing of the claim.

MEDICAL AND HOSPITAL BENEFITS — Migrant workers from Puerto Rico who are injured in a work-related accident or disabled by an occupational disease in the course of employment abroad under a contract of hire approved by Puerto Rico's labor secretary, and who require medical treatment and hospitalization on their return to Puerto Rico, are generally eligible for medical and hospital benefits provided under the Compensation System for Work-Related Accidents Act until their rehabilitation. The cost of services for injured workers returning to Puerto Rico is paid for out of budget appropriations to the Department of Labor and Human Resources, but the labor secretary is obligated to attempt to recover all such costs from the employer's insurer in accordance with mandatory provisions in the approved contract of hire.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Industrial Commission of Puerto Rico, San Juan, Puerto Rico 00936 (787-781-0545)*. The Industrial Commission has a duty to assist injured workers returning home to Puerto Rico in obtaining workers' compensation benefits to which they may be entitled, as described above. The Commission is also responsible for handling appeals from workers denied services by the State Insurance Fund Corporation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Employment Service Division, Bureau of Employment Security, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-756-1180)*. The Department is authorized to request medical and hospital services through the State Insurance Fund on behalf of any worker who is injured abroad while employed under a Department-approved contract.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *State Insurance Fund Corporation, San Juan, Puerto Rico 00936 (787-793-5959)*. The Insurance Fund Corporation is responsible for referring injured workers to designated health care providers for examination and treatment, for attending to the physical rehabilitation of such workers, and for assuring the payment of workers' compensation benefits to eligible claimants.